

BUSINESS REPORT

**MONTANA HOUSE OF REPRESENTATIVES
61st LEGISLATURE - REGULAR SESSION**

HOUSE JUDICIARY COMMITTEE

Date: Monday, February 16, 2009
Place: Capitol

Time: 8:00 am
Room: 137

BILLS and RESOLUTIONS HEARD:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Add Postponed (PP) when appropriate:

HB 241, HB 252, HB 431, HB 457, HB 477

EXECUTIVE ACTION TAKEN:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Enter P(pass) F(failed) DPAA (do pass as amended) BC(be concurred in) BCAA (be concurred in as amended):

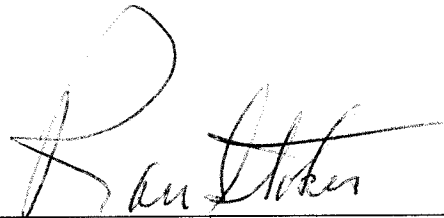
HB 322 (DPAA) HB 241 (Tabled)

HB 419 (Tied)

HB 401 (DPAA)

HB 473 (Tied)

COMMENTS:



REP. Ron Stoker, Chairman

HOUSE OF REPRESENTATIVES
Roll Call
JUDICIARY COMMITTEE

DATE: 2/16/09

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
Rep. Peterson	X	
Rep. Kottel	X	
Rep. Kerns	X	
Rep. Sands	X	
Rep. Bennett	X	
Rep. MacDonald	X	
Rep. More	X	
Rep. Ebinger	X	
Rep. Wagner	X	
Rep. Becker	X	
Rep. Driscoll	X	
Rep. Regier	X	
Rep. McClafferty	X	
Rep. Howard		X EXCUSED
Rep. Blewett	X	
Rep. Warburton	X	
Rep. Menahan	X	
Rep. Stoker	X	



HOUSE STANDING COMMITTEE REPORT

February 16, 2009

Page 1 of 3

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 322** (first reading copy – white) do pass as amended.

Signed: _____

Ron Stoker
Representative Ron Stoker, Chair

And, that such amendments read:

1. Title, line 6.

Following: "INTEREST;"

Strike: "AND"

2. Title, line 7.

Following: "MCA"

Insert: "; AND PROVIDING AN APPLICABILITY DATES"

3. Page 1, lines 21 through line 24.

Strike: subsection (b) in its entirety

Insert: "(b) whether the person has been employed by a party to the arbitration proceeding within the last 5 years;"

4. Page 1, line 25.

Following: "(c) (i) "

Insert: "(A) the names of the parties to arbitration proceedings commenced after October 1, 2009, other than the pending proceeding, in which the person served or is serving as a party arbitrator and not a neutral arbitrator for any party to that proceeding or as an attorney for a party to that proceeding and the results of each of those proceedings that were arbitrated to conclusion; or
(B) beginning October 1, 2014, "

5. Page 2, line 2.

Following: " ; "

Insert: "and"

Committee Vote:

Yes 17, No 1

Fiscal Note Required ____

HB0322001SC.hjd

6. Page 2, lines 3 and 4.

Strike: "and" on line 3 through ";" on line 4

7. Page 2, line 5.

Following: "(d)(i)"

Insert: "(A) the names of the parties to arbitration proceedings commenced after October 1, 2009, other than the pending proceeding, in which the person served or is serving as a party arbitrator and not a neutral arbitrator for any party to that proceeding or as an attorney for a party to that proceeding and the results of each of those proceedings that were arbitrated to conclusion; or
(B) beginning October 1, 2014,"

8. Page 2, line 13.

Following: ";"

Insert: "and"

9. Page 2, line 15.

Strike: line 15 in its entirety

10. Page 2, lines 17 through 19.

Strike: "; and" on line 17 through "party" on line 19

Insert: "within the last 5 years"

11. Page 2, line 20.

Strike: "subsection (4)(c)(i)"

Insert: "subsection (4)(c) and (4)(d)"

12. Page 2.

Following: line 27

Insert: "(8) This section does not apply to:

(a) arbitration agreements that have been approved by the United States security and exchange commission pursuant to the Securities and Exchange Act of 1934; or

(b) arbitrations conducted by the Montana bar association's voluntary fee arbitration program."

13. Page 3, line 20.

Strike: "the"

Insert: "a material"

14. Page 3, line 21.

Following: the first "of"

Insert: "a material"

February 16, 2009

Page 3 of 3

Strike: "1 year"

Insert: "90 days"

- END -



HOUSE STANDING COMMITTEE REPORT

February 17, 2009

Page 1 of 2

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 401** (first reading copy – white) **do pass as amended.**

Signed: *Ron Stoker*
Representative Ron Stoker, Chair

And, that such amendments read:

1. Page 1, line 20.

Strike: "or"

Insert: ", "

2. Page 1, lines 21 and 22.

Following: "~~vehicle~~," on line 21

Insert: "or recreational vehicle"

Following: "time" on line 21

Strike: "; or" on line 21 through "vehicle" on line 22

3. Page 2, line 3.

Strike: "use, presence, or"

4. Page 2, line 25.

Strike: ", presence,"

5. Page 4, line 19.

Following: "from"

Insert: "fees collected pursuant to 75-10-1304, from"

Following: "[section 4]"

Committee Vote:

Yes 13, No 5

Fiscal Note Required

HB0401001SC.hjd

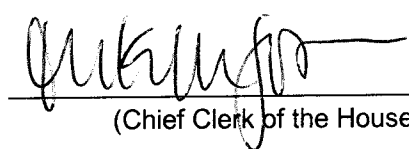
COMMITTEE FILE COPY

TABLED BILL

The **HOUSE JUDICIARY COMMITTEE** TABLED **HB 241**, by motion, on **Monday, February 16, 2009**.



(For the Committee)



(Chief Clerk of the House)



(Time)

(Date)

February 16, 2009

Jennifer L. Eck, Secretary

Phone: 444-4832

HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE 2/16/09 BILL NO HB 419 MOTION NO. _____
 MOTION: _____

DO PASS HB 419.

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
Ken Peterson	X		
Deborah Kottel		X	
Krayton Kerns	X		
Diane Sands		X	
Gerald Bennett	X		
Margaret MacDonald		X	
Michael More	X		
Bob Ebinger		X	
Bob Wagner	X		
Arlene Becker		X	
Robyn Driscoll		X	
Keith Regier	X		
Edith McClafferty		X	
David Howard	X		
Anders Blewett		X	
Wendy Warburton	X		
Mike Menahan		X	
Ron Stoker	X		

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HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE 2/16/09 BILL NO HB 401 MOTION NO. _____

MOTION: _____
DO PASS HB 401 AS AMENDED.

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
Ken Peterson		X	
Deborah Kottel	X		
Krayton Kerns		X	
Diane Sands	X		
Gerald Bennett	X		
Margaret MacDonald	X		
Michael More		X	
Bob Ebinger	X		
Bob Wagner		X	
Arlene Becker	X		
Robyn Driscoll	X		
Keith Regier	X		
Edith McClafferty	X		
David Howard		X	
Anders Blewett	X		
Wendy Warburton	X		
Mike Menahan	X		
Ron Stoker	X		

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HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE 2/16/09 BILL NO HB 473 MOTION NO. _____

MOTION: _____
DO PASS HB 473

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
Ken Peterson	X		
Deborah Kottel		X	
Krayton Kerns	X		
Diane Sands		X	
Gerald Bennett	X		
Margaret MacDonald		X	
Michael More	X		
Bob Ebinger		X	
Bob Wagner	X		
Arlene Becker		X	
Robyn Driscoll		X	
Keith Regier	X		
Edith McClafferty		X	
David Howard	X		
Anders Blewett		X	
Wendy Warburton	X		
Mike Menahan		X	
Ron Stoker	X		

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**Montana House of Representatives
Visitors Register**

JUDICIARY COMMITTEE

Date 2/16/09

Bill No. HB 241

Sponsor(s) Rep. Kottel

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Name and Address	Representing	Support	Oppose	Inf.
Pat Tucker 1270 Creek St. ID	self	X		
Ronda Ilwaco	SELF	X		
Barb Tucker	self	X		
DON FERNI	self	X		
Bob Cushman	self	X		
Bob Starr 1270 Creek St. ID	self	X		
Jamie Turner-Robbins	self	X		
Dr. Dale Robbins	self	X		
Fred Van Valkenburg	Ms/c. C. Atty			X
Karen Townsend	self			X
Susan Goodfree	Pat Tucker	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Date

Date 2/16/09

Sponsor(s) Rep. Blawett

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[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

**Montana House of Representatives
Visitors Register**

JUDICIARY COMMITTEE

Date 2/16/09

Bill No. HB 477 **Sponsor(s)** Rep. Menahan

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Name and Address	Representing	Support	Oppose	Inf.
Claudia Cofford	AARP MT	✓		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

**Montana House of Representatives
Visitors Register**

JUDICIARY COMMITTEE

Date 2/16/09

Bill No. HB 292

Sponsor(s) Rep. Campbell

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Name and Address	Representing	Support	Oppose	Inf.
William Walker	Citizen		X	
Tim WALKER	SELF		X	
ELIJAH WALKER	SELF		X	
Josiah Walker	SELF		X	
Larry Chambers	SELF		X	
Angie Wagonkals	NAZAL	✓		
Gordon Ruband	Montana Bar Assoc.		X	
Ninna Baehr	SELF	✓		
Jeff Lardley	MT. Family Council		X	
ROGER HALVER	MT LANDLORDS		X	
D. Mike Moran	Citizen	✓		
Terry Moran	Citizen	✓		
A/Smith	MT LIA	✓		
KRYSSA BAUMAN	SELF	✓		
FELICA REPALOS	SELF	✓		
BRIAN PAGE	SELF	✓		
Iara Veazey	SELF	✓		
Maureen Weidner	Disability Rights MT	✓		
Beth Brannen	Disability Rights MT	✓		

KATHERINE HUNT 2 MT - HUMAN RIGHTS BUREAU
Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Lucas Hamilton ASUM ✓

Niki Zupanic ACLU ✓

Erin Hamilton SELF ✓
WILMOT COLLINS SELF ✓

Alan Yang MCA-SV support

D. KEEFAUER - FOR -

HB 252 Rep Campbell

Name	Representing	Support	Oppose
Rep. Divine Sands	self	✓	
Marlehna Harpct	self	✓	
Kim Abbott	MT Human Rights Network	x	
Lindsay Love	PPMT	✓	
Andrea J. Olsen	MT L A	✓	
Michael Morse, Rep HB 20			✓
Linda Gryczan	Equality Project	✓	

**Montana House of Representatives
Visitors Register**

JUDICIARY COMMITTEE

Date 2/16/09

Bill No. HB 252 Sponsor(s) Rep Campbell

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Name and Address	Representing	Support	Oppose	Inf.
Dallas Erickson	MCDC	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
JASON FADLEY	Self	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Ethan Fadley	Self	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Jeannette Zantgraf	CWA		<input checked="" type="checkbox"/>	
Marlehna Harper	Citizen	<input checked="" type="checkbox"/>		
Brandon Fadley	Citizen		<input checked="" type="checkbox"/>	
Mitchell Fadley	Citizen		<input checked="" type="checkbox"/>	
Jana W. MANZ	BSA		<input checked="" type="checkbox"/>	
HARRIS HIMES			<input checked="" type="checkbox"/>	
Suzanne Johnson	MCC		<input checked="" type="checkbox"/>	
Benilde Howlett		<input checked="" type="checkbox"/>		
RICHARD BENNETT	SELF-BOZEMAN		<input checked="" type="checkbox"/>	
Barbara Tucker	Self-IF	<input checked="" type="checkbox"/>		
Dr. Dale F. H.	Self Idaho Falls	<input checked="" type="checkbox"/>		
Barrie F. R.	Self Idaho Falls	<input checked="" type="checkbox"/>		
Lawrence	Self Bldg ME	<input checked="" type="checkbox"/>		
Jim Jacobson	MT Am Legion		<input checked="" type="checkbox"/>	
Bob Starr				
Ruthy Sather	Self / PFLAS	<input checked="" type="checkbox"/>		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

**Montana House of Representatives
Visitors Register**

JUDICIARY COMMITTEE

Date

2/16/09

Bill No.

HB 457

Sponsor(s)

Rep. Cohenow

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Name and Address	Representing	Support	Oppose	Inf.
Claudia C. Ford	AARP MT	✓		
Anne G. Moller	MT Bankers Assoc		✓	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.